

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the January 7, 2015 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Unapproved**

**1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

Patricia A. King, MD, PhD called the meeting to order at 12.17

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Michael Drew, MD; Allen Evans; Fasil Gill; Robert G. Hayward, MD; William K. Hoser, PA-C; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Joshua Plavin, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenninger, Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; Dawn Philibert, Public Health Policy Advisor, Department of Health; Sara Vose, Environmental Health Toxicology Chief, Department of Health.

**2. Public Comment:**

None

**3. Approval of Minutes of the December 3, 2014 and December 17, 2014 Board Meetings:**

Dr. Bernstein moved to accept the minutes of the December 3, 2014 meeting. Dr. Drew seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Mr. Jenkins moved to accept the minutes of the December 17, 2014 meeting. Mr. Hoser seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**4. Board Issues (Dr. King):**

Dr. King noted that Dr. Burgee attended the USMLE Question Writing Workshop and discussed with the members the significant changes in the USMLE questions over the years. She suggested that this topic be included in the next newsletter so as to keep the licensees informed of the changes.

**5. Administrative Update (Mr. Herlihy):**

Mr. Herlihy provided an update on hiring an investigator. He said a candidate had been selected for hiring and he is in the process of obtaining an approval to hire-into-range. It is his hope that the candidate will be working by the end of January.

Mr. Herlihy provided some further analysis on the "non-renewed" physician licenses from the 2014

renewal period. There were 554 lapsed licenses. The overall rate at which physicians did not renew was just under 15%. That is unusually high, as the figure is normally close to 10%. Staff did some analysis of those who did not renew:

- A total of 74 physicians were over 80 and 38 of them did not renew (51%).
- A total of 359 physicians were 70 or over and 126 of them did not renew (35%).
- The non-renewal rate for physicians under 70 was 11.6%, much closer to the usual rate.
- 232 physicians who lapsed were in-state licensees
  - Specialties impacted were: Anesthesiology (10), Family Practice (21), Internal Medicine (32), OBGYN (13), Psychiatry (32)
- 322 physicians were out-of-state licensees
  - Specialties impacted were: Anesthesiology (13), Diagnostic Radiology (31), Family Practice (18), Internal Medicine (37), Ophthalmology (10), Orthopedic Surgery (15), Pediatrics (14), Psychiatry (16), Surgery (14)

Mr. Herlihy stated that Board staff learned that there were four instances during 2014 in which Vermont hospitals ended contracts with locums tenens companies, and there have been a few of those physicians who have since renewed their Vermont license. We also learned that there was a remote radiology group that is no longer operating, and those radiologists did not renew. The CME requirement impacted the number of renewals for the age 70-and-over population, but it was only one contributor to the spike in lapsed licenses for the 2014 renewal cycle.

Mr. Herlihy stated that the Board will be determining the process for auditing the CMEs, per statutory requirement, and Dr. King noted that the UVM medical staff is no longer tracking CME as a result. Mr. Herlihy noted that the upgrade of the CAVU system will, hopefully, allow for ease of tracking CME for future cycles.

Mr. Herlihy recognized Dr. Patricia King for her 12 years of service on the Board and presented her with a certificate of appreciation and a gift to commemorate her service. Dr. King's term expired on December 31, 2014, but she will continue to attend Board meetings until appointment of a new member has been made by the Governor's office.

## **6. Presentation of Applications (12:30 p.m. – 12:45 p.m.):**

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

Dr. Drew presented the recommendation of the Licensing Committee for the Board to approve a request by Peter Bastian, MD to withdraw his Physician Application for initial licensure.

Ms. Hunter made a motion to approve the request to withdraw the application for physician licensure. Mr. Gill seconded the motion. The motion passed: recused: none; abstained: none; opposed: none.

## **7. Election of the Officers**

Dr. King turned the floor over to the Nominating Committee to present the nominees for the 2015

Board Officers: William K. Hoser, PA-C as Chair of the Board, Robert G. Hayward, MD as Vice-Chair, and Richard Bernstein, MD as the Secretary of the Board. Mr. Gill made a motion to elect the nominees. Dr. Plavin seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

#### **8. Appointment of Members of the Medical Marijuana Review Board:**

Mr. Herlihy presented the applications of physicians interested in serving on Marijuana Review Board and the applicants were discussed.

Mr. Hoser made a motion to appoint Moss Linder, MD, Clifford Pukel, MD, and Simha Raveen, MD to the Marijuana Review Board. The motion passed; opposed: none; recused: none; abstained: none.

#### **9. Presentations to the Board (12:45 p.m. – 1:15 p.m.):**

- **Regulated Drug Rule** – Dawn Philibert, VDH Policy Advisor, and Sarah Vose, VDH Toxicology Chief, made a presentation regarding their draft proposal for amendment of the Regulated Drug Rule. They explained that in the past when the Rule was amended it was done just one or a few substances at a time on an ad hoc basis. The plan now is to review the Regulated Drug Rule annually and have it reissued as a whole. They presented the full list including several deletions and additions. The list is attached to and incorporated in these minutes. The Board asked several questions and the proposed list was discussed for several minutes.

Dr. Sproul made a motion to support the proposed amendment to the Regulated Drug Rule. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

#### **10. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)**

- **In re: Mitchell R. Miller, MD – MPC 76-1100 – Petition to Lift Conditions of Licensure**

Mr. Reynolds addressed the Board, summarizing the facts leading up to the Petition to Lift Conditions of Licensure. He stated that he consulted the Central Investigative Committee and it was recommended that the Board honor the petition to lift the conditions in MPC 76-1100.

Ms. Hunter made a motion to approve the petition to lift conditions of licensure. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: Ms. McClain and the Central Investigative Committee.

#### **11. Reconvene meeting; Executive Session to Discuss:**

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

Mr. Hoser made a motion at 2:04 p.m. to go into Executive Session to discuss confidential

matters related to investigations. Ms. McClain seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

## **12. Return to Open Session; Board Actions on matters discussed in Executive Session:**

Dr. Plavin made a motion at 2:59 p.m. to return to Open Session. Mr. Gill seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

## **13. Board Actions on Committee recommendations with regard to any non-confidential matters:**

### **Dr. King, North Investigative Committee, asked to close:**

MPN 208-1013 – Special Letter #2; Mr. Hoser recused  
MPN 217-1013 – Special Letter #1; Mr. Hoser recused  
MPN 105-1014 – Special Letter #1  
MPN 21-0313 – Letter #1; Mr. Hoser recused

Ms. McClain made a motion to close the cases presented. Mr. Liebow seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee and 1 others.

### **Central Investigative Committee did not close any cases.**

### **Mr. Hoser, South Investigative Committee, asked to close:**

MPS 125-1014 – Letter #1; Dr. King and Dr. Sproul recused  
MPS 103-1014 – Special Letter #1; Dr. Hayward and Dr. Sproul recused  
MPS 131-1114 – Special Letter #1; Dr. Sproul recused  
MPS 126-1014 – Letter #1; Dr. King and Dr. Sproul recused  
MPS 124-1014 – Letter #1; Dr. King and Dr. Sproul recused  
MPS 104-1014; Dr. Bernstein and Dr. Sproul recused

Mr. Jenkins made a motion to close the cases presented. Mr. Gill seconded the motion. The motion passed; opposed: none; abstained: none; recused: South Investigative Committee and 4 others.

## **14. Other Business:**

- **Review of FSMB Model Policy on Telemedicine** – Mr. Herlihy presented the FSMB Model Policy on Telemedicine and went over several areas he identified as parts of the Model Policy that might be revised. Mr. Herlihy asked Board members to submit their suggestions for additional modifications to incorporate into the Model Policy for review and possible approval at the February or March Board meetings.

## **15. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)**

- **January 15, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **January 16, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6<sup>th</sup> Floor of the Deane C. Davis Building, Montpelier, VT (National Life Campus).**
- **January 21, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor Burlington, VT (and via telephone)**
- **January 21, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **February 4, 2015, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **February 4, 2015, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**16. Open Forum:**

None

**17. Adjourn:**

Dr. Plavin made a motion to adjourn. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 3:31 p.m.

**Attachments: Appendix A**

Respectfully submitted,

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Karen A. LaFond  
Medical Licensing & Operations Administrator

## APPENDIX A

### Presentation of Applications

**Dr. King moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:**

Joseph Feller, MD	Glenn Feole, MD	Theresa Hetzler, MD
Heather Holmes, PA-C	Aditi Joshi, MD	Peter Kachavos, MD
Michael Latreille, MD	Elizabeth Lee, MD	Laurie Montague, MD
Elisabeth Nigrini, MD	Matthew Prohaskas, Jr., MD	Sadik, Sharef, MD
Tiffani Witt, PA-C		

Recommended by Mr. LeCours for licensure and certification. Seconded by Dr. Liebow. The motion passed; opposed: none; abstained: none; recused: none.

**Dr. King moved for the issuance of Limited Temporary Physician licenses for:**

Elie Sarraf, MD-LTL	Marissa Smith, MD-LTL	Felix Szabo, MD-LTL
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Recommended by Dr. Plavin for licensure and certification. Seconded by Mr. Hoser. The motion passed; opposed: none; abstained: none; recused: none.